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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,426	10/21/2003	Benjamin P. Knapp		3830

7590
Clifford Kraft
320 Robin Hill Dr.
Naperville, IL 60540

10/05/2005

EXAMINER

NGUYEN, TAN QUANG

ART UNIT PAPER NUMBER

3661

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

166



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/690,426

EXAMINER

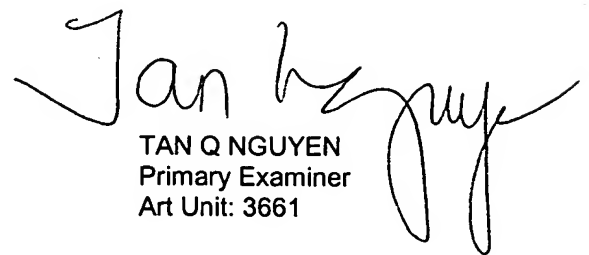
ART UNIT	PAPER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents


TAN Q NGUYEN
Primary Examiner
Art Unit: 3661

df

Office Action Summary

Application No.

10/690,426

Applicant(s)

KNAPP ET AL.

Examiner

TAN Q. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAIL ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on July 27, 2005. As per request, claims 1, 12 and 18 have been amended. Thus, claims 1-24 are still pending.
2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-5, 7, 10-16, 18-20, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al. (6,442,460) in view of Kellogg et al. (5,572,424).

6. As per claims 1, 5, 10, 11, 23 and 24, Larson et al. disclose a method and apparatus for networked wheel alignment communications and services which includes at least one local computer (see figure 1, item 12) in communication via a network with at least one remote computer (fig. 1, item 10C for example), wherein the remote computer provides data acquisition, data storage, logging, software updates, and repair procedures to the local computer (see column 5, lines 45-49 and column 7, lines 14-19).

7. Larson et al. disclose the claimed invention as discussed above except for the decision algorithm is chosen from the group consisting of a decision tree, a rule-based system and inference engine. However, such decision tree and inference based are well known in the vehicle diagnostic art as shown in at least figures 3-5, 8, 12C, 13A-B and the related text of the Kellogg et al. reference. It would have been obvious to incorporate the decision tree or inference based algorithm into the system of Larson for analyzing and making decision to provide the fix for the vehicle maintenance system.

8. As per claims 2-4, Larson et al. also disclose that the system includes a database containing histories of maintenance system problem (see at least figure 2 and column 8, line 62 to column 9, line 18).

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9. As per claim 7, Larson et al. further disclose that the system includes maintenance constraints that result in different fixes for different brands of equipment (see at least figure 3 and column 10, lines 11-28).

10. With respect to claims 12-16 and 18-20, the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above. It is noted that decision tree algorithm as taught in Kellogg et al. would have been motivated an ordinary skill in the art to use it and communicates back and forth between the local computer and the remote computer in order to obtain fix for the vehicle maintenance system.

11. Claims 6, 8, 9, 17, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al. and Kellogg et al. as applied to the claims above, and further in view of Kaman et al. (6,055,468).

12. With respect to claim 6, Larson et al. and Kellogg et al. do not explicitly disclose that the vehicle maintenance system is an analyzer. However, Kaman et al. suggest a local computer, which is an engine analyzer which communicates with the remote computer as shown in at least figures 1 and 2. It would have been obvious to an ordinary skill in the art to realize that an engine analyzer can be used in place of the alignment system in the Larson as the vehicle maintenance system for which it can be communicate with the remote computer for conducting the maintenance service.

13. With respect to claims 8, 9, 17, 21 and 22 Larson et al. and Kellogg et al. disclose the claimed invention as discussed above except for the system includes a video camera in communication with the local computer for conducting live two-way audio/video conference between the local computer and the remote computer.

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However, Kaman et al. suggest a vehicle analyzer system which includes a local engine analyzer (local computer), a remote controller, and video teleconference as shown in at least figure 1 and the related text. It would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaman et al. into the system of Larson et al. in order to provide the two-way audio/video conference between the local computer and remote computer.

Remarks

14. All claims are rejected.

15. The following references are cited as being of general interest: Jammu et al. (6,643,801), Hanson et al. (2002/0156558), and Dean et al. (2002/0183866).

16. Applicant's arguments filed on July 27, 2005 have been fully considered but they are not deemed to be persuasive. The amended claims includes new combination/issues in which the new ground of rejections has been set forth as above.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

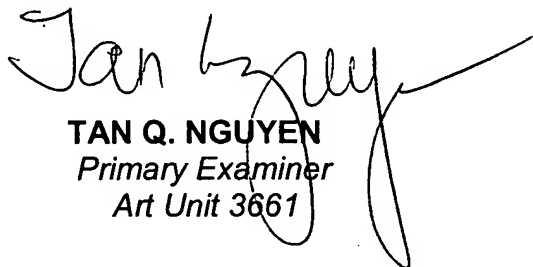
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the Official Fax Center: (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tqn
September 29, 2005


TAN Q. NGUYEN
Primary Examiner
Art Unit 3661